

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SOUNDEXCHANGE, INC.

Plaintiff,

V.

SIRIUS XM RADIO INC.

Defendant.

Civil Action No. 1:24-cv-05491-NRB

ATTORNEY DECLARATION OF
JEFF KANE

I, Jeff Kane, hereby declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney at the law firm Oppenheim + Zebrak, LLP (“O+Z”), counsel for Plaintiff in this matter. I submit this declaration in support of Plaintiff’s Opposition to Sirius’s Motion for Judgment on the Pleadings, Dkt. 62. I have personal knowledge of the facts set forth herein and, if called as a witness, I could and would testify competently hereto.

2. Attached as **Exhibit 1** hereto is a true and correct copy of a Form 8-K dated June 11, 2018 filed by Sirius XM Holdings, Inc.

3. Attached as **Exhibit 2** is an order dated November 16, 2016 in the matter *SoundExchange, Inc. v. Muzak, LLC*, No. 16-7041 (D.C. Cir.) ordering further briefing.

4. Attached as **Exhibit 3** is a brief on behalf of SoundExchange, Inc. dated January 3, 2017 in the matter *SoundExchange, Inc. v. Muzak, LLC*, No. 16-7041 (D.C. Cir.).

5. Attached as **Exhibit 4** is a brief on behalf of Muzak, LLC dated January 3, 2017 in the matter *SoundExchange, Inc. v. Muzak, LLC*, No. 16-7041 (D.C. Cir.).

6. Attached as **Exhibit 5** is a brief filed by Sirius XM Radio Inc. in *In the Matter of Determination of Rates and Terms for Preexisting Subscription Services and Satellite Digital Audio Radio Services*, CRB Docket No. 2006-1, dated May 15, 2017.

7. Attached as **Exhibit 6** is a brief on behalf of the United States dated January 3, 2017 in the matter *SoundExchange, Inc. v. Muzak, LLC*, No. 16-7041 (D.C. Cir.).

I declare under penalty of perjury that the foregoing is true and correct.

Executed November 26, 2024, in Washington, D.C.

/s/ Jeff Kane

Jeff Kane